

**SECTION 3:**  
**CONSULTATION AND COORDINATION**

## **SECTION 3 - CONSULTATION AND COORDINATION**

### **3.1 SCOPING PROCESS**

On March 19, 1996 the BLM published in the Federal Register a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS). The scoping statement provided information on the major gas reservoir discovery at Cave Gulch and interest by seven companies to develop the natural gas. The notice also served as an announcement for an open house and public scoping meeting scheduled for April 17, 1996. The notice also stated that BLM might allow some specified development during preparation of the EIS. The public was given until May 17, 1996 to comment on the natural gas development project as well as on the criteria that would establish the level of activity that would be allowed while the EIS was underway. Copies of the scoping statement, press releases and letters were mailed to the media, governmental agencies, environmental organizations, industry representatives, authorized public land users, individuals, landowners and grazing permittees.

The joint public meeting and open house was attended by 248 persons, of that, 30 persons gave public statements. Some 63 scoping comment letters were received during and after the comment period. All comments received were incorporated into the analysis of issues identified in the DEIS.

The issues were: the BLM should allow interim development while the EIS was prepared; concerns on too many or too few studies and monitoring; concerns with recreation and wildlife management; the consideration of the social-economic benefits from the proposed action; alternatives to the proposed action; the size of the area of analysis; correlative rights (drainage issues); and general questions on the process for preparing an Environmental Impact Statement.

### **3.2 DRAFT EIS CONSULTATION AND COORDINATION**

The BLM consulted with the Department of Interior U.S. Fish and Wildlife Service and the Wyoming Game and Fish Department on issues, impacts and mitigation for raptor and other wildlife populations and habitats; and consulted with the Department of Environmental Protection Agency, the U.S. Forest Service and Wyoming Department of Environmental Quality on issues, impacts and mitigation for air quality. Through various workshops and meetings, the BLM consulted and coordinated with local, state, and county government officials. Native American Indian tribes were provided notices of the proposed project.

### **3.3 PUBLIC REVIEW OF DRAFT EIS**

On February 14, 1997, The Environmental Protection Agency's Notice of Availability was published in the *Federal Register*. Over 600 copies of the draft EIS were made available to the public and interested agencies for a 45-day public comment period. The date by which the comments had to be received was April 1, 1997. On February 20, 1997, the BLM published a Federal Register Notice of availability and notice of an open house and public meeting scheduled for March 11, 1997 to accept comments and address questions. Two press releases were issued. On February 12, 1997, a press release was issued announcing the availability of the Draft EIS, a summary of the analysis and alternatives, the deadline for comments, and announcing the scheduled March 11, 1997 public meeting and open house. On March 3, 1997, a follow up press release was mailed to the media on the meeting set for the DEIS. Of the 136 persons who attended the public meeting,

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29 persons provided verbal comment. A transcript of the meeting comments is available for public review at the Casper District Office, 1701 East E Street, Casper, WY.

Of those commenting, nine persons followed-up with a written comment. To locate the letter, please refer to Section 4 - *Comment Letters Received on the Draft EIS*. The letters have each been given a unique identifying number. Substantive comments requiring a response are identified by comment number associated with heavy vertical lines in the margin of each letter. The written comments have been reproduced with a corresponding response. The written comment from Bob Tanner is in index letter number 1; Fred Klein is in index letter number 8; Roy Guess' written comment is in index letter number 10; Pat Childers' is in index letter number 11; Carolyn Paseneaux's is in index letter number 37; Chairman of the Natrona County Commissioners Bill Brauer's, Natrona County Commissioner Marion Bouzis' and Natrona County Treasurer Gary Widup's written comments are contained in index letter number 50; and, Renee Taylor's written comments are in index letter number 56.

At the meeting, the following persons commented but did not submit written comments. Those persons who expressed the same or very similar common concerns were: Ron Kidder, Rick Bonader, Jeff Bennett, Bill Schilling, Burley Glasscock, Larry Chapman, Doug Cooper, Les Obert, Steve Sasser, Greg Ball, Jack Hartnett and Rich Mahrer. These individuals commented on the importance of the taxes and employment that would result from the project and expressed concerns with the loss of revenues and jobs if six month seasonal stipulations were applied. Ralph Meyers commented with similar concerns, but also questioned the scenic value of the area. Chuck Moran had similar concerns, but also questioned if the leaseholders of the set-aside or Key Raptor Area had been notified. Fred Brunner had similar concerns, but also questioned the intent of The National Environmental Policy Act and the recreational impacts of the project in the area. Robert Hendry had similar concerns, but questioned the BLM's failure to sign a cooperating agency agreement with the Natrona County Commissioners and also suggested the Coffman Ranch be used as an alternative to the proposed Key Raptor Area.

Comments expressed at the meeting that varied from the general comments on economic value of the project and concerns with seasonal stipulations were made by Charles Scott, who questioned the predicted impacts to the raptors in the area. Michael Hauck responded to the seasonal restriction comments with a clarification, and said the seasonal stipulations imposed by BLM to protect raptor nesting sites are not for the entire field but only for occupied nests. Butch Aultman questioned the available prey base for birds in the area, and Bruce Lawson commented that the impact to raptors could be mitigated.

All of the comments received during the public comment period and during the public meeting have been considered in the preparation of the final EIS. Responses to all the comments expressed during the public meeting can be found in Section 5 entitled *Response to Public Comments on the Draft EIS*, except for Mr. Hendry's comment. He recommended in place of the BLM proposed Key Raptor Area, the BLM use sections of the Coffman Ranch as a set-aside area. The BLM, through a land exchange, recently acquired sections of deeded land identified as the Coffman Ranch. Mr. Hendry asked BLM to examine a one square-mile area on black ridge near a homestead area where he had spotted a number of raptors.

The area described is outside the northcentral end of the GRAA, and outside of the GRAA. Data provided by the GRAA raptor inventory show that there is a concentration of raptor nests in the northcentral end of the GRAA. Much of the area north of this nest concentration, outside of the GRAA, has not been inventoried for raptor nests. The "black ridge" would provide a similar kind of biological compensation but to a lesser extent as described for the proposed KRA in the DEIS at page 4-68. See also the response to comment 19-2. The "one square mile" recommended in this

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comment would not be sufficient, as any one pair of eagles or ferruginous hawks requires more than one square mile for the nesting territory. Several square miles would be needed to provide long-term, secure nesting habitat for several pairs of raptors.

Since this suggested "black ridge" area is not located near the center of the GRAA, it may not be quite as suitable biologically as the proposed KRA for supplying raptor young throughout the GRAA. There may be some potential for ANSs in this area, so this opportunity will be investigated.

### 3.4 DRAFT EIS COMMENTS

A total of 65 comment letters were received on the draft EIS, 11 of which were received after the 45 day public comment period that ended on April 1, 1997. In the draft EIS, the BLM stated that comments received after the comment period may be considered in preparing the final EIS but may not be included in the set of comments reproduced for the final EIS. But, because several of the comments received after April 1, 1997 were substantive in nature, we determined that all the letters would be reproduced. Responses were prepared to comments in the letters received after April 1 (letters numbered between 55 and 65) that were new and specific to suggested changes, sources or methodologies. Those comments that were similar in nature as other comments received are referenced back to similar comments and responses in the document.

Responses to public comments received on the draft EIS are included in this final EIS. In many cases respondents submitted virtually identical comments. Rather than repeating a response, the reader may be referred to an earlier response. Reference to a previous response in no way reflects upon the value of the comment. The comment letters and responses to the comments are contained in Section 5 entitled *Response to Public Comments on the Draft EIS* following the reprinted letters. Comments are numbered sequentially within a letter and correspond to the numbered response.

Issues of public concern were the potential loss of revenue to the state, county and city government due to the seasonal raptor stipulations for the area; lack of analysis of the cumulative affects of mineral development on wildlife and air quality, and the BLM's proposed KRA, or set-aside area, for raptor management; and, the federal government's policy of not granting cooperating agency status to Natrona County.

Specific changes in the text of the draft EIS are found in Section 2 of the final EIS. Where a response to a comment indicates "see Errata", Section 2 of the final EIS should be consulted for the specific rewording or clarification of the text.

### 3.5 COMMON CONCERNS

Respondents shared several common concerns about the proposed drilling project. These concerns are summarized here, as well as in the responses to individual letters.

**General Comment A.** *The cumulative impacts to air quality resulting from the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project and numerous other proposed oil and gas activities in central Wyoming are not being adequately evaluated.*

The assessment of air quality impacts provided in the DEIS considered cumulative impacts from the standpoint of assessing the potential impacts from all existing, proposed, and reasonably

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foreseeable sources of emissions. The DEIS analyzed potential cumulative air quality impacts for only those additional sources which were not adequately represented by the background condition (such as sources permitted but not yet operational) and have the potential to cause "cumulative" impacts for the same air pollutants with the Proposed Action and Alternatives. This information is documented in the "Cumulative Air Quality Impact Analysis Technical Support Document" (February 1997) and Section 5.3 Air Quality of the DEIS.

Following completion of the Draft EIS, information was provided to BLM regarding other proposed and ongoing development activities within the Cave Gulch-Bullfrog-Waltman air quality cumulative impact analysis area. Based on the information obtained after the DEIS was published, a supplemental cumulative air quality impact analysis has been conducted. Section 5.3 of the DEIS (Cumulative Impacts Analysis - Air Quality) has been fully re-written, and appears in Section 2, Addendum and Errata of the FEIS. The supplemental Cumulative Air Quality Impact Analysis is appended to the FEIS in Appendix A.

***General Comment B.*** *The combined amount and type of mitigation restrictions proposed in the DEIS for the protection of raptors are excessive and will result in project construction and development crews being unable to work during six months out of the year.*

A wide range of mitigation alternatives was presented in the EIS, including seasonal restrictions and buffer zones for raptor nests, the provisions of a proposed Key Raptor Area (KRA), and the construction of artificial nest structures (ANSs). The mitigation actions were proposed on the basis of their adequacy to offset the impacts anticipated from the proposed action and alternatives, and to comply with federal laws, state statutes, and BLM policy. Seasonal restrictions and buffer zones are applied to active raptor nests to avoid the disturbance of nesting raptors and to prevent the violation of federal laws and state statutes which protect raptors and their nests. The biological basis and need for such protection is well established and documented in the scientific literature.

Under the Proposed Action or Alternative B, due to the relatively small number of active nests, seasonal restrictions and buffer zones would be applied to only a small proportion of the project area during development and would rarely be in effect for the full six months. The number of active nests is likely to be further reduced as birds are displaced from the project area and alternative nesting opportunities in the GRAA become available through the erection of ANSs. As this process occurs, the need for seasonal restrictions on the project area would progressively diminish.

The advantages and disadvantages of each of the mitigation alternatives were analyzed in the DEIS in order to provide a basis for comparison that would provide perspectives necessary for the BLM to render informed final decisions in the ROD regarding which mitigation actions or combination of actions best balances the entire spectrum of resource needs while still complying with applicable laws, statutes, and policies.

***General Comment C.*** *The DEIS did not adequately analyze the socioeconomic impacts of the seasonal restrictions for the Proposed Action and Alternatives.*

A number of respondents were under the mistaken impression that development activities in the entire field would be restricted for six months each year during the raptor nesting season. Management of field development activities has been more restrictive during preparation of the EIS than is expected for the Proposed Action or Alternatives.

Of the alternatives considered, Alternative A would place the most restrictions on development activities. Seasonal employment and income effects are likely to occur under the restrictions

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proposed for Alternative A. Clarifications of the potential socioeconomic impacts of the seasonal restrictions expected for the Proposed Action and Alternatives A and B are provided in the errata items for Section 4.11.3.1 and Section 4.11.4.

**General Comment D.** *The DEIS did not adequately identify the significance of the potential revenue impacts of the Proposed Action and Alternatives on Natrona County and the Natrona County School District.*

The DEIS (Section 4.11.3.1.11) provides a detailed discussion of the amount and types of tax revenues which would be generated by activities associated with the Proposed Action and alternatives. The amount of tax revenue anticipated to result is considerable. These revenues were described in the DEIS as substantial. Sections 4.11.4 and 4.11.5 compare the anticipated tax revenues which would be generated under the Proposed Action and Alternatives A and B.

**General Comment E.** *THE BLM failed to designate Natrona County as a "Cooperating Agency" under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Council regulation even though precedence has been set in other states and counties.*

The Bureau of Land Management encourages cooperation and is willing to develop a written agreement for the County's participation, however such an agreement cannot include provisions for the County to have joint decision making authority over Federal land and resource uses and management, to require BLM to compensate the County and its agents for their involvement, or provide the County exclusive or separate review and comment opportunities on any phase of EIS development separate from any other public reviews and comment periods. The decision not to sign the "cooperating agency" agreement as drafted and submitted by Natrona County was made based upon legal advice from the Bureau of Land Management Department of Interior Solicitors because the draft agreement breached these legal parameters. The BLM/County agreements signed in other States have set no precedence, as stated, because they are within these legal parameters.